

RESOLUTION NO. M-1620

**A RESOLUTION CONCERNING THE REVIEW, EVALUATION AND
REVISION CONTEMPLATED BY RCW 36.70A.130**

WHEREAS, the Growth Management Act (GMA) required the City of Olympia to designate critical areas (wetlands, areas of critical recharging effect on aquifers used for potable water, fish and wildlife habitat conservation areas, frequently flooded areas, and geologically hazardous areas), adopt a comprehensive plan, and develop and adopt development regulations (including those that protect critical areas); and

WHEREAS, the City of Olympia adopted Chapter 14.10 as the Interim Critical Areas Ordinance on March 17, 1992, and a Comprehensive Plan on July 12, 1994; and

WHEREAS, RCW 36.70A.130 requires that cities within Thurston County subject their comprehensive plans and development regulations to continuing review and evaluation, and, if needed, revise such development regulations to comply with the provisions of RCW 36.70A no later than December 1, 2004; and

WHEREAS, the review and evaluation shall include, but is not limited to, consideration of critical area ordinances and an analysis of the population allocated to a city from the most recent ten-year population forecast by the State Office of Financial Management; and

WHEREAS, the Growth Management Act (RCW 36.70A.020) sets forth a list of 14 goals to guide the development and adoption of development regulations; and

WHEREAS, the City considered these GMA goals and sought to reach a reasonable balance among them in protecting critical areas through a proposed Critical Areas Ordinance (CAO) Update; and

WHEREAS, the Olympia Planning Commission began its review of the CAO - First Working Draft in October 2002, deferred its review in 2003, and completed its review in February 2004; and

WHEREAS, the City prepared a document in March 2004, entitled "Olympia Stream Basin Assessment and Map Portfolio" which identified those properties which may be affected by increased stream buffers proposed in the CAO Update; and

WHEREAS, the Land Use Committee of the Olympia City Council provided guidance to the Community Planning and Development Department by approving a list of desired CAO sections to be amended, and the draft format for integrating the CAO Chapter into Title 18 of the Olympia Municipal Code; and

WHEREAS, the Community Planning and Development Department and Advance Planning consulted the "Critical Area Assistance Handbook" and the "Example Code Provisions for Designating and Protecting Critical Areas," November 2003, provided by the Washington State Community Trade and Economic Development Department when preparing and revising the proposed CAO Update; and

WHEREAS, the Olympia Planning Commission raised approximately 79 major issues, which were then addressed in the CAO - Second Working Draft reviewed from April to June 2004; and

WHEREAS, the concerns of the Olympia Planning Commission were addressed within the proposed CAO - Public Hearing Draft and the proposed amendments to Title 18; and

WHEREAS, the GMA (RCW 36.70A.172) requires all jurisdictions to include Best Available Science in developing policies and development regulations to protect the functions and values of critical areas, and that special consideration be given to conservation or protection measures necessary to preserve or enhance anadromous fisheries; and

WHEREAS, the Washington State Department of Community, Trade and Economic Development (CTED) has developed and adopted six new sections to the Procedural Criteria contained in WAC 365-195-900 through 925, establishing guidance on Best Available Science (referred to as the Best Available Science Rule); and

WHEREAS, the Best Available Science Rule requires local governments to utilize best available science in their critical area regulation updates (consistent with RCW 36.70A.172) and provides guidance for acquiring and evaluating scientific information to determine whether it constitutes the Best Available Science; and

WHEREAS, the City prepared a document in June 2004, titled "Best Available Science - Citations for the City of Olympia Critical Areas Ordinance Update" which describes the approximately 83 reports, studies and plans consulted in the preparation of the proposed 2004 CAO Update; and

WHEREAS, City staff also prepared a draft study report, "Growth Management Act Comprehensive Plan Review," in the summer of 2004; and

WHEREAS, on July 1, 2002, the Olympia Planning Commission held a "scoping public hearing" to receive testimony on what sections of the Critical Areas Ordinance the public believed should be amended; and

WHEREAS, the City of Olympia published a legal notice for a public hearing on GMA compliance, running in *The Olympian* on July 7, 2004; and

WHEREAS, the City of Olympia also published a legal notice for a public hearing concerning the proposed CAO update in *The Olympian* newspaper on July 7, 2004, and mailed the notice

to interested parties and to the property owners of approximately 110 parcels which may be affected by increased stream buffers proposed in the CAO Update; and

WHEREAS, the Olympia Planning Commission took public testimony on the proposed 2004 CAO Update and the proposed amendments to Title 18 at a public hearing on July 19, 2004; and

WHEREAS, the Olympia Planning Commission held a second public hearing on July 19, 2004 on the draft Comprehensive Plan Review study, and took public testimony in person and by mail and e-mail; and

WHEREAS, an environmental checklist was prepared based upon the CAO - Olympia Planning Commission Public Hearing Draft, and the City's SEPA responsible official issued and circulated a copy of said checklist and a Determination of Non-Significance (DNS) on July 23, 2004; and

WHEREAS, the Olympia Planning Commission considered said testimony on the draft Comprehensive Plan Review study on September 13 and September 27, 2004, and recommended modifications to the draft study, which was finalized on September 28, 2004; and

WHEREAS, the Olympia Planning Commission reviewed the public testimony and written comments on the proposed CAO update at three work sessions in September and October 2004, and then suggested revisions to the proposed 2004 CAO Update; and

WHEREAS, the Olympia Planning Commission recommended approval of the proposed 2004 CAO Update and forwarded it to the City Council for review and adoption on October 4, 2004; and

WHEREAS, the Olympia City Council reviewed the Olympia Planning Commission recommendation on October 12, 2004 and has determined that the 2004 CAO Update: (1) addresses the guidance from the City Council Land Use Committee and the need to integrate the CAO Chapter into Title 18; (2) implements the requirements of the Growth Management Act while remaining consistent with the City of Olympia Comprehensive Plan; (3) incorporates Best Available Science; and (4) protects the public health, safety, and public welfare; and

WHEREAS, the Olympia City Council reviewed the September 28, 2004 Growth Management Act Comprehensive Plan Review, and which indicates that the Comprehensive Plan and development regulations are in compliance with the requirements of the Growth Management Act, although certain references in a data table contained in Chapter 11 (Housing) of the Comprehensive Plan needed to be corrected to conform to 2003 amendments to Chapter 4 of the Plan; and

WHEREAS, the Olympia City Council received public comment from the Department of Community, Trade and Economic Development ("CTED") requesting that the City revise the

draft CAO ordinance to eliminate the exemption provided for wetlands of 10,000 square feet in size or less; and

WHEREAS, the Olympia City Council also received public comment, including from members of the Olympia Planning Commission, calling for an additional public hearing to allow for comments on the exemption elimination called for by CTED and on other changes recommended by City staff; and

WHEREAS, as part of the public participation called for by RCW 36.70A.035 and .140, the Olympia City Council desired an additional public hearing as part of its consideration of the critical areas ordinance update, to enable the Council to hear directly from the public before adopting the proposed ordinance; and

WHEREAS, the City forwarded a copy of Resolution No. M-1582 to the Washington State Department of Community, Trade and Economic Development ("CTED") to address the GMA-CAO update deadline of December 1, 2004; and

WHEREAS, an Olympia City Council Public Hearing Notice was posted in *The Olympian* newspaper on January 7, 2005, and said notice was mailed to interested parties and to the property owners of approximately 163 parcels which may be affected by increased stream buffers or the smaller wetland size threshold proposed in the CAO Update; and

WHEREAS, the Olympia City Council received public testimony at the public hearing of January 18, 2005 and reviewed said public testimony and written comments at a study session on February 15, 2005; and

WHEREAS, the Olympia City Council reviewed materials which responded to public hearing testimony or comments regarding Buildable Lands, Density Calculations, Best Available Science, Marine Shorelines, Lake Shorelines, Stream Buffers, Buffer Reductions, Wetland Buffers and Wetland Size Threshold which included a PowerPoint presentation entitled "OLYMPIA CITY COUNCIL, Review of CAO Public Hearing Comments – February 2005;" and

WHEREAS, the Olympia City Council directed that revisions to the proposed critical area ordinance text be made to: (1) incorporate a wetland size threshold proposed by the Washington State Department of Ecology, (2) provide for administrative flexibility of stream buffers of 25 percent, and (3) add "ponds" to the definition of a category III wetlands; and

WHEREAS, the Olympia City Council deferred any action regarding marine and lake shorelines until the Olympia Planning Commission has the opportunity to fully evaluated the possible addition of these as critical areas in subsequent CAO work program schedule for later in 2005; and

WHEREAS, the Olympia City Council deferred making significant changes to the proposed Wetland section because the Washington State Department of Ecology has yet to finalize its draft reports entitled, Freshwater Wetlands in Washington State, Volume 1: A Synthesis in Science (2002) and Wetlands in Washington State, Volume 2: Guidance for Protecting and Managing Wetlands (2004); and

WHEREAS, the Olympia City Council reviewed the Olympia Planning Commission recommendation and public hearing testimony from January 18, 2005 and determined that the proposed Critical Areas Ordinance Update of 18.32 and the complimentary amendment to Title 18: (1) addresses the guidance from the City Council Land Use Committee and the need to integrate the CAO Chapter into Title 18; (2) implements the requirements of the Growth Management Act while remaining consistent with the City of Olympia Comprehensive Plan; (3) incorporates Best Available Science and measures necessary to preserve or enhance anadromous fisheries; and (4) protects the public health, safety, and public welfare; and

WHEREAS, the City of Olympia also published legal notices for public hearings before the Planning Commission and the City Council concerning the proposed amendments to Chapter 11 (housing) in *The Olympian* newspaper on June 19, 2005 and August 16, 2005 respectively, and mailed the notices to interested parties; and

WHEREAS, the City of Olympia issued a Draft Supplemental Environmental Impact Statement (DSEIS) on June 19, 2005, and a Final Supplemental Environmental Impact Statement (FSEIS) on August 16, 2005, addressing the proposed amendments to Chapter 11 (housing); and

WHEREAS, the Olympia Planning Commission held a public hearing on July 11, 2005, addressing the proposed amendments to Chapter 11 (housing); and

WHEREAS, the City Council held a public hearing on September 19, 2005 concerning the proposed amendments to Chapter 11 (housing); and

WHEREAS, the City Council reviewed the Olympia Planning Commission recommendation, the public hearing testimony, and the FSEIS concerning the proposed amendments to Chapter 11 (housing) at study sessions on August 23 and October 4, 2005; and

WHEREAS, the City Council enacted Resolution M-1582 on November 29, 2004, Ordinance No. 6356 on April 19, 2005; and Ordinance No. 6389 on December 13, 2005; and

WHEREAS, between the aforementioned resolution and ordinances, this completes the RCW 36.70A.130(1)(a), (4) and (8) growth management comprehensive review and evaluation update.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OLYMPIA:


Section 1. Review and Evaluation. Based on the previously occurred review and evaluation, the City Council hereby finds that the public hearing, review and evaluation required by RCW 36.70A.130(1)(a) have occurred, as described more particularly in the recitals above, and that no further changes to the Comprehensive Plan or development regulations are required.

Section 2. Severability. If any section, sentence, clause or phrase of this resolution should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this resolution.

Section 3. Ratification. Any act consistent with the authority and prior to the effective date of the resolution is hereby ratified and affirmed.


Section 4. Effective Date. This resolution shall be effective immediately upon passage by the Olympia City Council.

PASSED BY THE OLYMPIA CITY COUNCIL this 13th day of December 2005.



MAYOR

ATTEST:



CITY CLERK

APPROVED AS TO FORM:



CITY ATTORNEY

ProLaw 12/6/05

SUMMARY OF RESOLUTION M-1620

On December 13, 2005, the Olympia City Council passed Resolution M-1620 - -
**A RESOLUTION REGARDING GROWTH MANAGEMENT ACT COMPREHENSIVE
PLAN AND REGULATION REVIEW AND EVALUATION (2004/2005 UPDATE).** The
Growth Management Act (GMA) requires the City of Olympia to take legislative action
to comprehensively review and, if needed, revise its comprehensive land use plan and
development regulations to ensure the plan and regulations comply with the requirements of
the GMA. RCW 36.70A.130 provides that legislative action means the adoption of a
resolution or ordinance following notice and a public hearing indicating at a minimum, a
finding that a review and evaluation has occurred and identifying the revisions made, or that a
revision was not needed and the reasons therefore. Resolution No. M-1620, adopted by the
Olympia City Council on December 13, 2005, provides this finding and establishes the
legislative history by which the City of Olympia has met the requirements of RCW
36.70A.130.

The full text of Resolution No M-1620 may be obtained for a fee at Olympia City Hall, 900
Plum Street, SE or will be mailed upon request for a fee. Call (360)753-8325 or write to City
of Olympia, P.O. Box 1967, Olympia, WA 98507-1967.

Do not publish below this line

PUBLISH: Friday, December 23, 2005